

HOUSE No. 1919

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr., and Christopher J. Donelan relative to training standards for private security and armored car guards. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ARMORED CAR COMPANIES AND ARMORED CAR GUARDS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90 of the Massachusetts General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 inserting after section 20G the following section:—

4 Section 20H. Notwithstanding the provisions of sections 20 and
5 20A, an armored vehicle used for the transportation of currency,
6 valuables, jewelry, food stamps or any other high value items,
7 may park for a period not to exceed fifteen minutes in violation of
8 any rule, order, ordinance or by-law regarding the parking of
9 motor vehicles without being subject to being given a violation
10 notice.

1 SECTION 2. The Massachusetts General Laws, as appearing in
2 the 2002 Official Edition, is hereby further amended by inserting
3 after Chapter 147 the following new chapter:—

4 CHAPTER 147A. 5 ARMORED CAR COMPANIES AND 6 ARMORED CAR GUARDS.

7 Section 1. As used in this chapter, the following words shall,
8 unless the context requires otherwise, have the following
9 meaning:—

10 “Applicant” means an individual who has filed an application
11 with the Department for a registration card.

12 “Armored car company” means any company which, for itself
13 or under contract with another, transports currency, valuables,
14 jewelry, food stamps, or any other item which requires secured
15 delivery from one place to another or provides services to ATM,
16 so-called, machines and kiosks.

17 “Armored car guard” means an individual who is employed by
18 an armored car company, who primarily works on an armored
19 vehicle and who is required to carry a weapon while in the perfor-
20 mance of his duties and who is licensed to do so under this
21 chapter.

22 “Armored car industry advisory committee” means a committee
23 appointed by the secretary and will serve at the will of the secre-
24 tary without compensation and consist of not more than six quali-
25 fied members of the armored car industry, academia, and other
26 related fields as determined by the secretary and will serve to
27 advise the secretary and the council on matters pertaining to the
28 armored car industry.

29 “Certified instructor” means a person who has met the require-
30 ments of this chapter to teach pre-assignment and renewal training
31 for all courses except firearms courses.

32 “Company” means a sole proprietorship, partnership, firm,
33 association, limited liability company, or corporation.

34 “Corporate officer” means the chairman, president, vice presi-
35 dent, treasurer, secretary or any other person who performs the
36 same function for the corporation as performed by these officers.

37 “Council” means Criminal Justice Training Council.

38 “Employer” means an armored car company licensed under this
39 chapter.

40 “Firearms instructor” means a person who has met the require-
41 ments of this chapter to teach firearms training required by this
42 chapter.

43 “Licensee” means the holder of a license issued under this
44 chapter.

45 “Qualified armored car guard training” means a minimum eight
46 hour program which shall include but not be limited to armored
47 car orientation, operating procedures, prevention of theft and rob-
48 bery, defensive driving, company policies and procedures and

49 general duties recommended by the armored car advisory board
50 and germane to the industry.

51 “Qualified firearms instructor” means an individual who holds
52 a certificate as a firearms instructor from an association or organi-
53 zation recognized by the secretary.

54 “Qualified firearms training course” means a minimum eight
55 hour firearms training course for armored car guards that is rec-
56 ommended by the armored car advisory board and is specific and
57 germane to the armored car industry and is recognized by the sec-
58 retary.

59 “Qualified manager” means the individual owner or the person
60 designated by an armored car company who meets the qualifica-
61 tions set forth in this chapter, to operate an armored car and to
62 represent the employer for purposes of administering and super-
63 vising the company’s compliance with this chapter and with such
64 rules as promulgated under this chapter.

65 “Registrant” means any person issued a registration permit
66 under this chapter.

67 “Secretary” means the secretary of the executive office of
68 public safety.

69 Section 2. Registration permits shall be granted according to
70 this chapter.

71 Section 3. An applicant must meet the following requirements
72 for a registration permit:

73 (a) File an application with the secretary sworn to or affirmed
74 by the applicant in such form and including such information as
75 may be prescribed by the secretary, including but not limited to
76 the applicant’s name, address, date of birth, citizenship status,
77 immediately preceding three year work history, three personal ref-
78 erences with addresses and telephone numbers, and statement of
79 convictions for crimes;

80 (b) Submit two sets of classifiable fingerprints;

81 (c) Submit two passport sized photographs;

82 (d) Be at least 21 years old;

83 (e) Not have been convicted in any jurisdiction of a serious
84 offense or misdemeanor which in the discretion of the Secretary
85 bears such a relationship to the performance of the duties of an
86 armored car guard as to constitute a bar to employment;

87 (f) Not have been declared by any court to be incompetent by
88 reason of mental disease or defect which has not been removed;

89 (g) Not have a physical or mental disability by reason of intoxi-
90 cation or the use of, addiction to or dependence on, alcohol or
91 drugs which, as determined by the secretary, renders the applicant
92 unfit to perform the usual duties of an armored car guard;

93 (h) Pay a fee as determined by section 19 of this chapter;

94 (i) Submit a statement from the employer or prospective
95 employer that the employer has made a reasonable effort to verify
96 the work history information on the application form. The results
97 of such effort shall be part of the application. "Reasonable effort"
98 shall be deemed to be the same effort required to satisfy the Immi-
99 gration Reform and Control Act of 1986 (PL 99-603, 8 USC
100 1324a) with regard to verification of information contained on
101 Form 1-9;

102 (j) Submit a statement by a certified trainer verifying that the
103 pre-assignment training and testing as prescribed by this chapter
104 have been completed;

105 (k) Submit a statement by a firearms instructor verifying that
106 the firearms training and range qualification requirements as pre-
107 scribed by this chapter have been completed.

108 Section 4. After receipt of an application for a registration
109 permit, the secretary shall submit, or cause to have submitted, to
110 the criminal history systems board and to the federal bureau of
111 investigation, the fingerprint card submitted by the applicant for
112 the purpose of a criminal background check. The secretary is
113 authorized to receive the record check information directly from
114 the United States department of justice. The secretary shall issue a
115 registration permit when satisfied from an examination of the
116 application and criminal record check that the applicant is of good
117 character, competency and integrity and has fulfilled the applica-
118 tion requirements of this chapter. The registration permit shall dis-
119 play a picture of the registrant and contain other information as
120 required by the secretary.

121 All registration permits shall be valid for two years unless
122 revoked by the secretary according to the provisions of this
123 chapter.

124 Not less than 90 days prior to the expiration date of the license,
125 the secretary shall mail a written notice and application for

126 renewal to the last known address of the registrant with a copy
127 sent to the employer. Upon receipt of the renewal application form
128 which will include certification that the applicant has met the
129 training standards established by the council and payment of a
130 renewal fee, the secretary shall issue a two year renewal license.
131 No registration permit shall be renewed 90 days or more after its
132 expiration date. The applicant shall submit a new, complete appli-
133 cation and respective fee.

134 Section 5. The secretary shall collect information and maintain
135 on a current basis, a registry of all armored car guards and appli-
136 cants for registration permits. Such registry shall include, but not
137 be limited to, with respect to each applicant, the applicant's name,
138 address, date of birth, whether a registration permit or license has
139 been issued, the type of permit issued, denied, suspended, or
140 revoked, and the reason for denial, suspension, or revocation or
141 has expired and the employer or employers by whom the applicant
142 has been employed and such other information as the secretary
143 shall deem appropriate, provided, however, that in no case shall
144 such registry include criminal history information.

145 The secretary shall biannually compare the information in the
146 registry with the records of the criminal history systems board.
147 Any registrant or licensee whose record indicates an outstanding
148 warrant, arrest or conviction for any disqualifying offense shall be
149 suspended immediately, and the employer shall be notified of such
150 suspension immediately, pending further disposition. This bian-
151 nual check shall meet the background screening requirements of
152 P.L. 103-55, the Armored Car Industry Reciprocity Act.

153 Companies which are defined as an employer under this chapter
154 may, under the terms and conditions as the secretary may pre-
155 scribe, have timely access to information contained in the registry
156 but limited to the following information about the registrant or
157 qualified agent: name, date of birth, social security number, regis-
158 tration permit or license number, employment history and status of
159 the registration permit or license.

160 Section 6. An employer may issue a temporary armored car
161 guard permit to a person, providing the employer has submitted to
162 the secretary the application required for a registration permit,
163 including the statement from a certified trainer verifying comple-
164 tion of the pre-assignment training requirements. Under no cir-

165 cumstances may the holder of a temporary permit carry a weapon.
166 If the employer has any knowledge that the applicant has a record
167 of a criminal conviction which would disqualify the applicant pur-
168 suant to the secretary's regulations, the employer may not issue a
169 temporary security officer permit to the applicant. The employer
170 must notify the secretary that it has issued a temporary permit.

171 The temporary armored car guard permit shall expire in 90 days
172 and is non-renewable. However, the secretary may issue a 45-day
173 extension to any applicant whose application is otherwise com-
174 plete except for the receipt of the criminal background check.

175 Section 7. While on duty, a registrant shall have on his person
176 his registration permit displayed in a manner prescribed by the
177 provisions of section 19 of this chapter. At the employer's request,
178 a registrant who is acting in the capacity of an armored car guard
179 pursuant to this act may, while in uniform and on duty, wear a
180 badge or shield inscribed with the name of the employer and a
181 number. No such badge or shield shall include the word "police,"
182 "agent," "sheriff," or "trooper" or any part of the seal of the Com-
183 monwealth or any political subdivision thereof.

184 Section 8. (a)(1) All applicants shall complete a minimum of 8
185 hours of pre-assignment situational and field training and a min-
186 imum 8 hours of pre-assignment range and classroom firearms
187 training taught and administered by a certified firearms instructor
188 and approved by the council. Such training shall be developed
189 based on an analysis of the duties and responsibilities of armored
190 car guards and shall be recommended by the armored car advisory
191 board. The provisions of this section shall be subject to section 19
192 of this chapter.

193 (a)(2) Renewal applicants shall re-qualify for firearms purposes
194 in a manner prescribed by the council.

195 (b) This section shall conform to the requirements of P.L. 103-
196 55, the Armored Car Industry Reciprocity Act, requiring registra-
197 tion holders to submit a statement annually to the secretary
198 certifying that the registrant has completed the training required
199 under subsection (a)(2) of this section.

200 (c) No instructor shall teach a course of instruction required by
201 this chapter unless the instructor holds a certified trainer permit,
202 or for firearms instruction, a firearms instructor permit, issued by
203 the secretary according to rules for these permits as established by
204 the provisions of this chapter.

205 (d) The curriculum for training, range qualifications and testing
206 examinations required under this section shall be established by
207 the council. Such curriculum shall be developed based on an
208 analysis of the duties and responsibilities of armored car guards
209 and shall be recommended by the armored car advisory board. In
210 the establishment of said curriculum, the council shall consult
211 with the armored car industry advisory committee. Said com-
212 mittee shall be appointed by the secretary and serve at will of the
213 secretary and without compensation and consist of not more than
214 six qualified members of the armored car industry, academia, and
215 other related fields as determined by the secretary.

216 Section 9. All registrants shall possess a license to carry a
217 firearm, as provided for in section 131 of chapter 140. No
218 employee shall carry or be furnished a firearm while on duty or
219 while wearing a uniform unless the carrying of a firearm is
220 required by the employer. When carried by a uniformed employee,
221 the weapon shall be exposed to view.

222 The secretary, in consultation with the council and armored car
223 industry advisory committee, shall establish rules as to the type
224 and caliber of weapons that may be carried under this chapter. A
225 registrant may only carry a firearm of the specific type and caliber
226 with which the registrant is qualified pursuant to the firearms
227 training referenced in section eight of this chapter.

228 Whenever a registrant discharges a firearm in the course of the
229 registrant's duties, except during range firing, the registrant and
230 the employer shall, within five business days, submit to the secre-
231 tary an explanation describing the nature of the incident, the
232 necessity for using the firearm and the name of any law enforce-
233 ment agency to which this incident was reported. Furthermore,
234 armored car companies shall facilitate the purchase of protective
235 vests by armored car guards who request them after a proba-
236 tionary period of employment. Employers of armored car guards
237 shall establish a program whereby such armored car guards may
238 pay for the vests through a payroll deduction plan.

239 The secretary, in consultation with the council and the armored
240 car industry advisory committee, may promulgate rules and regu-
241 lations establishing minimum standards for weapons other than
242 firearms.

243 Whenever a registrant ceases employment with the employer
244 for which he is registered, the employer shall, within five business
245 days, notify the secretary. The secretary shall then notify the state
246 or local authority which issued the registrant's license to carry a
247 firearm of said registrant's change in employment.

248 Section 10. (a) No company shall employ in the Common-
249 wealth an armored car guard as defined by this chapter, or adver-
250 tise its business as providing armored car services, or solicit
251 customers for such a business, without having first obtained from
252 the secretary, a license to conduct such business as defined by this
253 chapter as an armored car company shall have a license for the
254 company and copies of such license to be displayed in each office
255 of the company located in the Commonwealth.

256 (b) The application for a license submitted to the secretary
257 must:

258 (1) be signed by the owner, partner, or in case of a corporation,
259 a corporate officer;

260 (2) and include the name of the business and any fictitious
261 names the business uses in the operation of the business, the
262 firm's principal address and the address of each branch operation
263 within the Commonwealth, the nature of the business, names and
264 addresses and a statement of convictions of crimes of all officers
265 and of any investor who actively participates, directs or controls
266 the business; any other information as determined by the secretary
267 to be reasonably necessary;

268 (3) submit two sets of classifiable fingerprints from the presi-
269 dent, executive vice president, secretary and treasurer of the cor-
270 poration;

271 (4) be accompanied by the name of the qualified manager to be
272 employed by the company; and,

273 (5) a certificate of insurance evidencing that the company
274 meets the insurance requirements as defined by rules and regula-
275 tions to be promulgated by the secretary.

276 Section 11. An armored car company must employ a person
277 licensed as a qualified manager. Such qualified manager shall
278 administer and supervise the licensee's compliance with this
279 chapter. Such qualified manager shall be subject to the rules of the
280 secretary on behalf of the licensee and the qualified manager's
281 actions shall be deemed to be those of the licensee for the pur-
282 poses of this chapter.

283 Upon application, the secretary shall issue a qualified manager
284 license to a person who: (1) meets the background check require-
285 ment for a registration permit; (2) be at least 21 years of age; and,
286 (3) pass an examination determined by the council with the input
287 of the armored car industry advisory council to measure the appli-
288 cant's knowledge and competence in the armored car industry.

289 Section 12. A licensee shall file and maintain with the secretary
290 a certificate of insurance from an insurance company licensed to
291 do business in the commonwealth, as evidence that the licensee
292 has comprehensive general liability coverage of at least \$100,000
293 per occurrence and \$300,000 in the aggregate.

294 In addition to a general liability certificate of insurance, a com-
295 pany licensed as an armored car company shall file and maintain
296 with the secretary a certificate of insurance from an insurance
297 company licensed to do business in the commonwealth, showing
298 evidence of all risk cargo insurance coverage for a minimum of
299 \$10,000,000 per occurrence and such additional amounts as are
300 sufficient to cover the value of goods safeguarded in such compa-
301 ny's vaults.

302 The certificate for insurance shall provide that the insurance
303 may not be modified or canceled unless thirty days prior notice is
304 given to the secretary.

305 Section 13. When satisfied, from the examination of the appli-
306 cation and such further inquiry and investigations as the secretary
307 shall deem proper as to the good character, competency and
308 integrity of the applicant and that the applicant has met the stan-
309 dards established by the council, the secretary shall issue a license
310 to the applicant, principal and branch offices, as appropriate, to
311 conduct such business employing armored car guards and pro-
312 viding armored car services.

313 The license shall be valid, unless otherwise provided for in this
314 chapter, for a period of three years. Branch office licenses shall
315 have the same expiration date as the principal license. No less
316 than 90 days prior to the expiration date of the license, the secre-
317 tary shall mail a written notice for renewal to the last known
318 address of the license holder. Upon meeting the renewal standards
319 established by the council, and payment of the renewal fee, the
320 secretary shall issue a three-year renewal license.

321 All licenses issued pursuant to this chapter shall be on a form
322 prescribed by the secretary and subject to rules and regulations as
323 outlined in section 19 of this chapter. Notwithstanding the exis-
324 tence of a valid corporate registration, no licensee may conduct
325 activities regulated under this chapter under any fictitious name
326 without prior written authorization from the secretary to use that
327 name in the conduct of activities regulated under this chapter. The
328 secretary may not authorize the use of a name which is so similar
329 to that of a public law enforcement officer or agency, or of that
330 used by another licensee, that the public may be confused or
331 misled.

332 A license issued under this chapter may not be sold, assigned or
333 transferred without the written approval of the secretary.

334 Section 14. The licensee, if a corporation, shall notify the secre-
335 tary within 30 days of any change in the licensee's corporate offi-
336 cers or in any material information furnished or required to be
337 furnished to the secretary under this chapter.

338 The licensee shall submit to the secretary, within 30 days, the
339 name and registration permit number and personnel action taken
340 for each person registered under this chapter as an armored car
341 guard who has been employed by the company and who has
342 retired or resigned or whose employment terminated for any
343 reason.

344 A licensee shall notify the secretary within 10 days upon
345 receipt of information affecting a registrant's eligibility to hold a
346 registration permit under the provisions of this chapter.

347 If the qualified manager upon whom the licensee relies upon to
348 comply with this chapter ceases for any reason to perform his
349 duties on a regular basis, the licensee must within 10 days mail to
350 the secretary, by certified or registered mail, notice of this failure
351 to perform duties. Within 120 days of sending the notice, the
352 licensee must employ a substitute qualified manager.

353 A registrant who has been arrested shall report said arrest to the
354 secretary within 72 hours of the arrest. Any employer who
355 becomes aware of the arrest of an employee armored car guard
356 shall notify the secretary within 72 hours of gaining that informa-
357 tion.

358 Section 15. (a) The secretary, acting within promulgated rules
359 and regulations as defined in section 19 of this chapter, shall have

360 the power, upon notice and opportunity for a hearing to take disci-
361 plinary action against any licensee, registrant or any unlicensed
362 armored car company or unregistered person engaged in activities
363 regulated by this chapter who violate, or cause to be violated, any
364 provision of this chapter. The secretary may issue criminal penal-
365 ties and by administrative sanctions against anyone found to be in
366 violation of this chapter as established by promulgated rules and
367 regulations.

368 (b) The secretary, acting within promulgated rules and regula-
369 tions as defined in section 13 of this chapter, shall have the power
370 to review the mental or physical condition of an armored car
371 guard to carry out the duties of his position if the secretary
372 believes that the individual may be unable to practice with reason-
373 able skill and safety to the public due to a mental or physical infir-
374 mity.

375 Section 16. The secretary shall have the power to enforce the
376 provisions of this chapter, irrespective of the place or location in
377 which the violation occurred, as established by promulgated rules
378 and regulations.

379 Section 17. If the secretary determines upon investigation that
380 there is reason to believe a violation of this chapter has occurred,
381 promulgated rules and regulations as set forth in section 18 shall
382 govern procedures and penalties which may be assessed against a
383 company or an individual. Any company or person shall be enti-
384 tled to appeal to a court of competent jurisdiction.

385 Section 18. The secretary, in consultation with the council and
386 the armored car industry advisory committee, shall promulgate
387 any rules and/or regulations necessary to carry out the provisions
388 of this chapter.